

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Edgar Thomas,

Civil Action No. 3:17-cv-2130-CMC

Plaintiff,

vs.

OPINION AND ORDER

The State of South Carolina,
Defendant.

This matter is before the court on Plaintiff Edgar Thomas' *pro se* motion to reconsider the court's Order dismissing his case. ECF No. 15. The challenged judgment, entered October 3, 2017, was based on the Opinion and Order adopting the Report and Recommendation of the Magistrate Judge dismissing the action without prejudice. ECF Nos. 7 (Report), 12 (Opinion and Order), 13 (Judgment).

The Fourth Circuit Court of Appeals has interpreted Rule 59(e) of the Federal Rules of Civil Procedure to allow the court to alter or amend an earlier judgment: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." *Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (quoting *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). "Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of judgment, nor may they be used to argue a case under a novel theory that the party had the ability to address in the first instance." *Pac. Ins. Co.*, 148 F.3d at 403. Relief under Rule 59(e) is "an extraordinary remedy which should be used sparingly." *Id.* (internal marks omitted). "Mere disagreement does not support a Rule 59(e)

motion.” *Becker*, 305 F.3d at 290 (quoting *Hutchinson v. Stanton*, 994 F.2d 1076, 1082 (4th Cir. 1993)).

Plaintiff’s initial filing was dismissed because he requested removal of a state criminal action to this court but did not meet the statutory requirements to do so. Nothing in Plaintiff’s instant motion alters this conclusion. Therefore, Plaintiff’s motion to reconsider (ECF No. 15) is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
November 6, 2017